IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 1454 of 2006(W)

PETITIONER:

C.K. KRISHNAN,
CHAKKALAKKAL HOUSE, MALAPPURAM P.O.,
THODUPUZHA, PIN-685581.

BY ADV. SRI.C.S.AJITH PRAKASH,
SRI.T.D.SALIM.

RESPONDENTS:
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1. **STATE OF KERALA,**
   REP. BY THE SECRETARY TO GOVERNMENT,
   VIGILANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **DEPUTY COMMISSIONER LAND REVENUE,**
   PUBLIC OFFICE BUILDING, MUSEUM,THIRUVANANTHAPURAM.

3. **DISTRICT COLLECTOR, IDUKKY.**

BY GOVERNMENT PLEADER SMT. K.L. LAKSHMI RANI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.1454/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE JUDGMENT IN WRIT PETITION NO. 32616/2003 DTD. 31/05/2005 BEFORE THE HONOURABLE HIGH COURT.

EXT.P.2: COPY OF THE PROCEEDINGS OF THE DISTRICT COLLECTOR, IDUKKY DTD. 13/04/2005.

EXT.P.3: COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEORE THE R.2. DTD. 09/09/2005.

EXT.P.4: COPY OF THE G.O. P. NO. 185/2002 DTD. 27/03/2002.

//TRUE COPY//

prv.

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.1454 of 2006

Dated this the 8th June, 2007.

JUDGMENT

The petitioner retired from service on 30.11.2004. So far his terminal benefits have not been released. Hence this writ petition, seeking appropriate reliefs.

2. The respondents submit that a vigilance enquiry is going on against him and, on completion of the same, the terminal benefits will be released.

3. In paragraph 10 of the counter affidavit, which was filed on 27.7.2006, it is stated that the enquiry may be over by six months. But, so far the vigilance enquiry has not been completed. There is no justification for not releasing the terminal benefits due to the petitioner, on the ground of the pendency of a vigilance enquiry. This view is supported by the decision of this Court in **Rajagopalan R. v. State of Kerala (ILR 2007 (2) Ker. 401).** Accordingly, the respondents are directed to release the terminal

benefits due to the petitioner within three months from the date of production of a copy of this judgment.

4. It is made clear that this direction will not affect the powers of the competent authority to hold any enquiry against the petitioner, and also its powers to proceed against the petitioner in accordance with law, if he has caused any loss to the State.

K. BALAKRISHNAN NAIR,
JUDGE.

vav.